

RECEIVED

DEC 4 2005

Encl. 2

Congress of the United States
Washington, DC 20515

November 15, 2005

22 NOV 2005 RCVD

WCB
E-rate
PV
KM
2300

The Honorable Kevin Martin
Chairman
Federal Communications Commission
445 12th Street, SW #8-B201
Washington, D.C. 20554

CC: 96-45

Dear Chairman Martin:

We are requesting your immediate assistance in helping every school district in our state. Each year for the last seven years, the Wyoming Department of Education has completed a consortium E-rate application for the state. The sole purpose of the money is to help our state's school districts offset cost associated with the Wyoming Equality Network (WEN). Although we were funded in 1999 and 2002, we were denied E-rate funding in 2000, 2003, 2004, and 2005 and partially denied in 2001.

After discussing this issue with the Wyoming Department of Education, we believe that the E-rate funds were denied for two reasons: (1) violation of the 28-day waiting period before signing a contract; and (2) cost was not the primary factor for choosing the vendor. Wyoming's State Supreme Court directed the Governor and the Wyoming Department of Education to establish a statewide network that would ensure "equal opportunity for a proper education" for every student in Wyoming. This decision emphasized that compatibility with the existing systems was key; therefore, functionality was the primary necessity. We believe this resulted in functionality "weighted" higher in our state's criteria calculation. Ultimately, the Wyoming Department of Education entered into a contract with Qwest, formally known as US West, on April 3, 1998.

When dealing with education issues, the law requires the state to follow state directives first then comply with federal directives. This, of course, is the reason cost was "weighted" second in the state's criteria and a contract was signed in 1998. The State of Wyoming believed it would be able to comply with both directives by choosing Qwest. The Wyoming Department of Education asked the Federal Communications Commission to review this decision based on the following information: The original Request for Proposal (RFP) was available for review from May 30, 1997 to September 30, 1997, and Qwest was both the lowest cost option and the most compatible and capable choice for our state.

After seven years of participating in the E-rate program, Wyoming should have received over \$8 million from the E-rate program. To date, our state has only received \$5 million. It is our understanding that the remaining \$3 million is held up by the FCC appeals process. The Wyoming Department of Education has contacted the FCC to address its

No. of Copies rec'd 2
List ABCDE


concerns with the outstanding E-rate funding for Wyoming dating back to 2000. At this time, the Wyoming Department of Education has not been given a possible date for the review or when a decision might be handed down on these outstanding appeals for E-rate funding.


We are aware that the FCC rules indicate that appeal decisions are required within 90 days of the request for review. However, it is our understanding that there are no consequences should your agency not meet this requirement. Therefore, we are respectfully asking your assistance in determining how to expedite Wyoming's appeal for its outstanding \$3 million E-rate funding.

Thank you for your immediate attention to our request for assistance in this important matter for Wyoming's children. We are available to discuss this issue personally with you and/or any member of your staff at their earliest convenience.

Sincerely,


Craig Thomas
United States Senator


Michael B. Enzi
United States Senator


Barbara Cubin
Member of Congress